

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMMANUEL CHAPLAIN,

Defendant.

8:14-CR-409

ORDER

In June 2016, the late Judge Smith-Camp sentenced defendant Emmanuel Chaplain to a total term of 852 months' incarceration after he was convicted of numerous robbery, felon-in-possession, and brandishing crimes. [Filing 272](#) (Judgment). This matter is before the Court on the defendant's *pro se* Motion, which states in its entirety:

The defendant now to file for sentence reduction under [18 U.S.C. § 3582\(b\)](#) seeking the Court to dismiss his [[18 U.S.C. § 922\(g\)](#)] count attached to his [18 U.S.C. § 924\(c\)](#) due to the fact it's unconstitutional to apply [18 U.S.C. § 922\(g\)](#) together to the [924\(c\)](#), citing now case: [*Erlinger v. United States*, 602 U.S. 821 (2024)].

The defendant is requesting the Judge dismiss [18 U.S.C. § 922\(g\)](#) in the indictment because he is charged with both [922\(g\)](#) & [924\(c\)](#) which does not fall under the statutes.

[Filing 606](#) ([sic] throughout). Although the defendant's basis for relief is not clear, the Court will interpret his Motion as a challenge to the constitutionality of his convictions in light of recent caselaw.

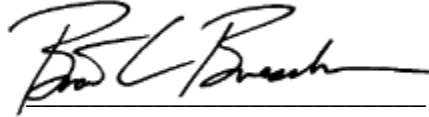
In *Erlinger*, the Supreme Court held that a defendant "was entitled to have a jury resolve [the Armed Career Criminal Act's] occasions inquiry unanimously and beyond a reasonable doubt" but "decide[d] no more than that." [602 U.S. at 835](#). *Erlinger* is in no way implicated by the defendant's case, as the defendant was not assessed any enhancement under the Armed Career Criminal Act. See [Filing 265](#) (Presentence Investigation Report); [Filing 272](#) (Judgment). Nor do

any recent cases of precedential value hold that the defendant's convictions under 18 U.S.C. §§ 922(g) and 924(c) are constitutionally infirm. See *United States v. Jackson*, 110 F.4th 1120, 1125 (8th Cir. 2024) (“conclud[ing] that there is no need for felony-by-felony litigation regarding the constitutionality of § 922(g)(1),” the statute prohibiting felons from possessing firearms). Accordingly,

IT IS ORDERED that the defendant's *pro se* Motion, [Filing 606](#), is denied.

Dated this 27th day of February, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge